



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/362,715 | 07/29/1999 | KAZUHIKO YUKAWA | 024060-110 | 7213 |
| 21839 | 7590 | 04/04/2006 | EXAMINER | |
| BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | VILLECCO, JOHN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2622 | |

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/362,715

Applicant(s)

YUKAWA ET AL.

Examiner

John M. Villecco

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,13-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,18 and 19 is/are allowed.
- 6) ☒ Claim(s) 5,7,9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 15, 2006 have been fully considered but they are not persuasive.

Regarding the Morizumi reference, applicant argues that it does not “teach or suggest a) driving a taking lens before display by a display device of a subject image (formed by the taking lens).....or b) controlling image taking so that a captured image through a taking lens becomes substantially in-focus before automatically starting the display of the captured image. The examiner agrees with the applicant’s assertion that Morizumi does not disclose driving a taking lens before display by a display device and controlling image taking so that a captured image through a taking lens becomes substantially in-focus before automatically starting the display of the captured image. What Morizumi does teach, however, is that the lens is moveable to a focus position where in-focus condition is substantially obtained for distant to close-range views upon supplying power. Morizumi also teaches that the driving of a lens causes blurring during a photographing operation. Additionally, Morizumi teaches the use of a zoom lens system capable of being moved from a telephoto side to a wide side (col. 4, lines 23-35). This is interpreted as being a taking lens that is moveable between a first focus position in which a far distance object is in-focus condition and a second focus position in which a near distance object is in-focus condition.

As for the Yomogizawa reference, applicant argues that it does not teach or suggest a display device for displaying a subject image formed by a taking lens moveable between a far

Art Unit: 2622

distance first focal position and a near distance second focal position. Again, the examiner agrees with the applicant's assertion. What Yomogizawa does teach, however, is the concept of not displaying a captured image on a display until the camera has determined that a quality image capable of being displayed has been formed. The examiner is of the opinion that when used in conjunction with the Morizumi reference, one of ordinary skill in the art at the time the invention was made would have found it obvious to firstly, provide a display on the camera of Morizumi and secondly, delay the display of an image on the display upon startup until a quality image can be captured. Since Morizumi teaches the importance of driving a lens quickly to a desired position to reduce blurring during a photographing operation, one of ordinary skill in the art, based on the teachings of Yomogizawa, would have found it obvious to not display the captured image on a display until a quality image has been captured.

Additionally, applicant argues that Yomogizawa does not teach or suggest a taking lens moveable between a first and second focus position. Again, the examiner agrees with this assertion. The fact that Yomogizawa merely discloses a fixed position lens is irrelevant as Morizumi is used to teach a lens that is moveable between a first and second focus position. Yomogizawa is used merely to show that it is well known in the art to not drive a display until a quality image has been formed.

Furthermore, applicant's amendment introduces 112, 2nd paragraph issues. Please see the 112, 2nd paragraph rejection presented on the following pages.

For the reasons stated above the rejection from the previous office action of claims 5 and 14 will be maintained.

112, 2nd paragraph rejection

Claim Objections

2. Claims 7 and 15 are objected to because of the following informalities:

- In lines 3 and 4 of claims 7 and 15, applicant has amended the claim to recite, “upon driving the display device is instructed to start”. The use of the word “upon” is confusing and hard to understand. A more appropriate word may be – when –.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 7, 9, and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 5 and 14 recites the limitation "a focus position" in line 9. There is insufficient antecedent basis for this limitation in the claim. More particularly, in lines 2 and 3 of claim 9, applicant recites the limitation of a first and second focus position. It is unclear from the claim language whether the focus position claimed in line 9 is the one of these two focus positions or an entirely different focus position.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 5, 7, 9, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morizumi (U.S. Patent No. 5,296,970) in view of Yomogizawa et al. (U.S. Patent No. 5,172,151).**

8. Regarding **claim 5**, Morizumi discloses a camera system which drives a lens to a focus with a wide range upon startup so that focusing time can be reduced during image taking. More specifically, Morizumi discloses a taking lens (zoom lens system, 10), and an image-sensing device (30). Upon power up of the camera the lens system (10) is moved to a position where the whole range of focal depth can be effectively utilized. This position is interpreted to be a pan-focus position. Morizumi discloses that the AF control circuit (36) moves the lens to this position. This serves as a control circuit. Additionally, Morizumi discloses that this position is optimal because if a close-up image is desired immediately after power up, a lot of focusing time is required and blurring becomes a problem if a quick image capture is desired. Additionally, Morizumi teaches the use of a zoom lens system capable of being moved from a telephoto side to a wide side (col. 4, lines 23-35). This is interpreted as being a taking lens that is moveable between a first focus position in which a far distance object is in-focus condition and a second focus position in which a near distance object is in-focus condition.

Morizumi, however, fails to specifically disclose a display device for displaying the object or a controller for moving the lens to a pan-focus position before display by the display device is started. Yomogizawa discloses a film camera which uses an electronic viewfinder, wherein the electronic viewfinder display is not activated until a captured image has reached a predetermined exposure quality. More specifically, the camera of Yomogizawa includes a taking lens (3, lens for the LCD viewfinder), an image-sensing device (CCD, 6), a display device (liquid crystal display, 8), and a controller (control circuit, 42). The controller operates such that display of an image is inhibited if proper exposure of the subject has yet to be obtained. When the barrier (18) is opened and the power is turned on, the controller operates to display a properly exposed image. If an image is not properly exposed the switch (41) is opened and display of an image is inhibited. As discussed in column 5, lines 37-43, the liquid crystal display (8) provides no display after the opening of the barrier (18) and until the video signal reaches a proper level. See column 4, line 40 to column 5, line 55. Additionally, Yomogizawa discloses that the lens (3) of the viewfinder is maintained at a pan-focus position during operation (col. 3, line 12). Although used in an electronic viewfinder, one of ordinary skill in the art at the time the invention was made would have found it obvious to inhibit the display of an image in the electronic camera of Morizumi until the image has moved to the pan-focus position, so that the viewfinder does not display an image of low quality. Since Morizumi teaches the importance of driving a lens quickly to a desired position to reduce blurring during a photographing operation, one of ordinary skill in the art, based on the teachings of Yomogizawa, would have found it obvious to not display the captured image on a display until a quality image has been captured.

9. As for **claim 7**, Yomogizawa discloses a barrier lever (17) which is interpreted to be the operation member that is manually operated to start the driving of the display device. Although, the barrier lever (17) does not directly start the driving of the display device, the barrier lever (17) must still be activated for the display device to begin being driven. Therefore, the barrier lever (17) indirectly causes the display device to be driven. Furthermore, upon opening the barrier driving of the display device is instructed to start and until the signal level reaches an appropriate level actual display of the image is withheld.

10. With regard to **claim 9**, as previously mentioned, Yomogizawa discloses a barrier lever (17) which is interpreted to be the operation member that is manually operated to start the driving of the display device. Although, the barrier lever (17) does not directly start the driving of the display device, the barrier lever (17) must still be activated for the display device to begin being driven. Therefore, the barrier lever (17) indirectly causes the display device to be driven.

11. **Claim 14** is considered substantively equivalent to claim 5, if not more broad. Please see the discussion of claim 5 on the preceding pages.

12. As for **claim 13**, the combination of Yomogizawa and Morizumi discloses that the display (LCD, 8, of Yomogizawa) receives the image from a taking unit comprising a taking lens (zoom lens system, 10 of Morizumi or viewfinder lens (3) of Yomogizawa) and an image-sensing device (image sensor (30) of Morizumi, or CCD (6) of Yomogizawa). Morizumi discloses that the lens is moved to a focus position where a wide range of focal depth is obtained (see the abstract).

13. **Claim 15** is considered substantively equivalent to claim 7. Please see the discussion of claim 7 on the preceding pages.

Allowable Subject Matter

14. **Claims 16, 18, and 19 are allowed.**

15. The following is an examiner's statement of reasons for allowance:

Regarding *claim 16*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest determining based on a stored state value whether display of an image captured is requested or not when power supply to the camera is started, if the stored state value indicates that display is request, automatically driving a taking lens to a focus position where in-focus condition is substantially obtained for distant to close range view, and when the display is requested, after the taking lens has reached the focus position, automatically starting the display of an image taken through the taking lens situated at the focus position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

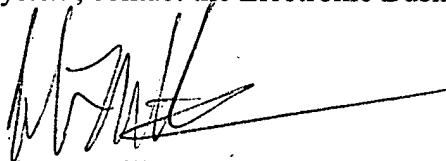
Art Unit: 2622

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

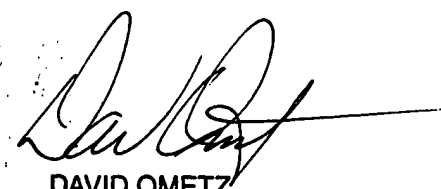
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
March 30, 2006



DAVID OMETZ
SUPERVISORY PATENT EXAMINER